

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MICHAEL CLARKE, ET AL,

Plaintiffs,

v.

BALFOUR BEATTY COMMUNITIES,
LLC, ET AL.

Defendants.

Case No.: 5:21-cv-0550-XR
Hon. Xavier Rodriguez

JOSHUA ASHLIMAN, ET AL,

Plaintiffs,

v.

BALFOUR BEATTY COMMUNITIES,
LLC, ET AL.

Defendants.

Case No.: 5:22-cv-00106-XR
Hon. Xavier Rodriguez

STIPULATION TO AMEND SCHEDULING ORDER

WHEREAS, by order of this Court entered on March 7, 2022, the above-captioned matters were consolidated for the purposes of discovery; and

WHEREAS, this Court entered an Amended Scheduling Order on August 8, 2022 whereby the deadline for the completion of all discovery was ordered to be November 1, 2022, a Final Pretrial Conference was scheduled for June 8, 2023 and the Jury Trial Date was scheduled for June 20, 2023; and

WHEREAS, counsel to all parties subsequently met and conferred and agreed that, given the scope of discovery necessitated by the number of parties and anticipated experts involved, more time would be necessary to complete discovery in these matters; and

WHEREAS, the parties do not seek to alter or otherwise adjourn the current deadline to file a Final Joint Pretrial Order (May 26, 2023), the Final Pretrial Conference (June 8, 2023), or the Jury Trial Date (June 20, 2023); and

WHEREAS, the parties agreed on a proposed revised schedule for the completion of discovery in the above-captioned consolidated matters; and

WHEREAS, the parties, jointly, respectfully request that the Court further amend the Scheduling Order in these matters and adopt the schedule set forth herein;

IT IS SO STIPULATED AND AGREED:

1. The dates set forth in the Amended Scheduling Order entered in these consolidated actions on August 8, 2022 shall be amended as follows:

<u>Item to Complete</u>	<u>Current Deadline</u>	<u>Amended Deadline</u>
Plaintiffs' designation of testifying experts required by Fed. R. Civ. P. 26(a)(2)(B)	August 31, 2022	January 30, 2023
Defendants' designation of testifying experts required by Fed. R. Civ. P. 26(a)(2)(B)	September 30, 2022	February 28, 2023
Filing supplemental reports required under Fed. R. Civ. P. 26(e)	October 3, 2022	March 15, 2023
Rule 26(a)(3) disclosures	April 28, 2023	No change
Objections under Rule 26(a)(3)	May 12, 2023	No change
Completion of All Discovery	November 1, 2022	April 15, 2023

<u>Item to Complete</u>	<u>Current Deadline</u>	<u>Amended Deadline</u>
Mediation	On or before January 31, 2023	On or before April 28, 2023
Pretrial Motions (other than motions <i>in limine</i>)	January 31, 2023	April 28, 2023
Final Pretrial Order and any motion <i>in limine</i>	May 26, 2023	No change
Final Pretrial Conference	June 8, 2023 at 10:30 a.m.	No change
Jury Trial Date	June 20, 2023 at 10:30 a.m.	No change

2. The parties are agreed to further extension of expert deadlines if there is a delay in the receipt of necessary medical or employment records. However the parties are committed to work collaboratively and in good faith to meet the deadlines set forth above without further extension.
3. Facsimile or imaged signatures shall be effective as original signatures.

SO ORDERED:**Date:** _____

HON. XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE

SO STIPULATED:**Date:** August , 2023

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above and foregoing document was served upon all counsel of record via the Court's CM/ECF system on this the ___ day of August, 2022.

/s/ Carli D. Pearson

Carli D. Pearson